

# On the Convergence of International Law and International Relations in Times of Backlash

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Academic

**debates on the sometimes-delicate relationship between international law and international relations follow certain narrative patterns. Accordingly, whenever there seems to be some fragile appreciation amongst the academy to strive for closer collaboration and cooperation, this shallow consensus is almost immediately challenged by virtue of re-emphasized isolationist arguments and subject-related demarcations. At no time does this contestation become more tangible than in periods of collective global insecurity – such as in the era of an alleged ‘[backlash against the international](#)’.**

In contrast to other forms of cross-subject collaboration, the interlocking of international law and international relations does not come as a real surprise, provided that both academic disciplines essentially concentrate on similar objects of research and comprise all different kinds of polities, the relationships between different political entities as well as wider world-systems generated by these very interactions. Constituting distinct academic enterprises, however, both international law and international relations are likewise characterized by discrete research questions and methodologies as well as independent academic traditions. As pointedly stressed by the late Christopher Joyner,

‘Academicians who study either international law or international politics share a dirty little secret: both groups know that the presence of international law is critical for international relations to occur, and both know that the practice of international politics is essential for international law to evolve and function. But each is still reluctant to admit the necessity of the other.’

*(Christopher C. Joyner (2006): International Law is, as International Theory Does?, 100 AM. J. INT'L L. 248, 248).*

## **The times, they are a-changing?**

This prevalent reluctance towards interdisciplinary research into phenomena pertaining to both international law and international relations has evidently declined in recent years (see instructively [here](#) and [here](#)). As a consequence of this gradual convergence of both international law and international relations, legal academics have increasingly drawn from IR theory as well as qualitative and quantitative methodology, whereas IR scholars have attempted to understand and explain the accretive judicialization of international politics (see for example [here](#)). While the very notion of interdisciplinarity has at times been heavily overburdened or even (consciously) overstrained (see exemplarily [here](#) and [here](#)), the underlying conviction that joining two or more academic disciplines' inherent explanatory strengths in order to fabricate novel and innovative scientific knowledge and methodology has also received increased attention in [scholarly contributions situated at the crossroads of international law and international relations](#).

## **Interdisciplinarity in times of backlash**

The gradual convergence of international law and international relations as well as the notion of increasing interdisciplinarity become particularly tangible in the context of complex developments within the international arena that are characterized by a concurrent legal and/or political fabric, such as most prominently the contemporary academic discussion pertaining to an alleged backlash against 'the international'. Looking, for example, at the vast number of scholarly contributions contemplating a push-back or backlash against [international courts and tribunals](#) – particularly in the context of the more recent notifications of withdrawal from the Rome Statute of the International Criminal Court (see [here](#) and [here](#)) – it is possible to identify recurring topics that are neither exclusively legal nor political in nature, such as for example the [notion of immunities for heads of state](#) or the [principle of complementarity](#). On the contrary, these phenomena constitute rather complex legal-political formations that require holistic and comprehensive approaches. Due to their complexity, it has also become increasingly difficult to frame these issues as *either* legal *or* political, given that previously applied thinking patterns and subject-related demarcation lines separating international law and international relations are no longer feasible. In turn, it could hence be posited that entangling phenomena such as the alleged backlash against international courts and tribunals, at least subliminally, presupposes the need for interdisciplinarity. Apparently, this then also causes far-reaching ramifications for academics working at the intersection of both subjects, pertaining to notions such as cross-disciplinary sensitivity, inter-subject expertise as well as versatile methodological training.

## **The theory of everything?**

These rather basal thoughts should, however, not be misinterpreted in the sense that plain interdisciplinarity constitutes the silver bullet in an academic's armoury:

as already mentioned above, the question if and in which way interdisciplinary angles and methods may be applied hinges on the pertinent research question and corresponding research objectives at hand. In order to prevent counter-disciplinarity in the abovementioned sense or even the erosion of each academy's identity, interdisciplinarity may be applied in such contexts where neither international law nor international relations as stand-alone disciplines are capable of providing the bigger picture. This, however, not only requires broad expertise across disciplinary boundaries, but even more, it calls for enhanced research endeavours that make use of the variety of available expertise and methodology.

The formative bifurcation of international law and international relations as distinct academic enterprises dates back roughly one hundred years ago when the first chair in international relations was founded at the University of Aberystwyth. Probably it is about time to put some increased effort into consciously shaping the process of convergence of international law and international relations in times of a backlash against the international.

**Annotation:** *This contribution is essentially based on previous presentations and discussions at the Institute of Continuing Education at the University of Cambridge (24<sup>th</sup> September 2017), the Annual Meeting of the Alumni of The Hague Academy of International Law at Bucerius Law School Hamburg (13<sup>th</sup> October 2017) and the Institute for International Law (Chair of Professor Andreas Paulus) at the University of Göttingen (22<sup>nd</sup> January 2018). The author cordially thanks all participants for their invaluable input and comments that have been reflected in the present contribution.*

